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**ORIGINAL**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 22 2006

Office application of:

EDWARD ALUN SKETCH

Group Art Unit: 3623

Serial No.: 09/681,784

Examiner: Susanna M. Meinecke Diaz

Filed: June 5, 2001

For: **ONLINE METHOD AND SYSTEM FOR PROVIDING LEARNING  
SOLUTIONS FOR THE ELIMINATION OF FUNCTIONAL  
COMPETENCY GAPS**

Attorney Docket No.: FMC 1339 PUSP (81048308)

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed on August 29, 2006 for the above-identified patent application.

As set forth in the Appeal Brief, the Applicant's primary argument with regard to independent claims 1, 15 and 20 is that the Saba references fail to teach or suggest "automatically defining a development plan for the employee including [a] learning solution identified with the dynamic query." (Appeal Brief, p. 5.) The Applicant studied the Saba references and explained how, in Saba, the user identifies the "lesson(s)" — a "development

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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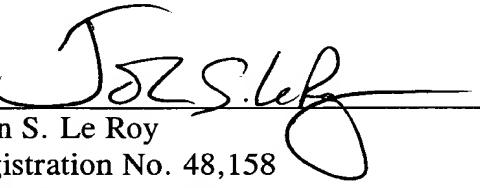
plan" including "learning solutions" is not "automatically defined" as recited in independent claims 1, 15 and 20. (Id.)

In the Examiner's Answer, the Examiner offered no substantive analysis whatsoever to rebut Applicants' argument on appeal. Without more, the Examiner cites to the very passages the Applicant relies on to *distinguish* the Saba references from the claimed invention. (Examiner's Answer, p. 6.) Accordingly, the Examiner has failed to establish *prima facie* obviousness with regard to independent claims 1, 15, and 20, and the claims which depend from them.

No additional fee is believed to be due as the result of the filing of this paper. However, any additional fees or credits should be applied to Deposit Account 06-1510 (Ford Global Technologies, LLC) as authorized by the original transmittal letter in this case.

Respectfully submitted,

**EDWARD ALUN SKETCH**

By:   
John S. Le Roy  
Registration No. 48,158  
Attorney for Applicant

Date: September 19, 2006

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351